



General Assembly

January Session, 2009

**Substitute Bill No. 5312**

\* \_\_\_\_\_ HB05312AGEPH\_030509 \_\_\_\_\_ \*

**AN ACT CONCERNING CRIMINAL BACKGROUND CHECKS FOR  
EMPLOYEES OF HOMEMAKER-COMPANION AGENCIES AND HOME  
HEALTH AGENCIES.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 20-670 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2009*):

3 As used in sections 20-670 to 20-680, inclusive, as amended by this  
4 act, and section 5 of this act:

5 (1) "Certificate" means a certificate of registration issued under  
6 section 20-672, as amended by this act.

7 (2) "Commissioner" means the Commissioner of Consumer  
8 Protection or any person designated by the commissioner to  
9 administer and enforce the provisions of sections 20-670 to 20-680,  
10 inclusive, as amended by this act.

11 (3) "Companion services" means nonmedical, basic supervision  
12 services to ensure the well-being and safety of a person in such  
13 person's home.

14 (4) "Employee" means any person employed by, or who enters into a  
15 contract to perform services for, a homemaker-companion agency,  
16 including, but not limited to, temporary employees, pool employees

17 and independent contractors.

18 (5) "Homemaker services" means nonmedical, supportive services  
19 that ensure a safe and healthy environment for a person in such  
20 person's home, such services to include assistance with personal  
21 hygiene, cooking, household cleaning, laundry and other household  
22 chores.

23 (6) "Homemaker-companion agency" means any public or private  
24 organization, employing one or more persons that is engaged in the  
25 business of providing companion services or homemaker services.  
26 Homemaker-companion agency shall not include a home health care  
27 agency, as defined in subsection (d) of section 19a-490, or a  
28 homemaker-home health aide agency, as defined in subsection (e) of  
29 section 19a-490.

30 (7) "Service plan" means a written document provided by a  
31 homemaker-companion agency to a person utilizing services provided  
32 by such agency, that specifies the anticipated scope, type, frequency  
33 and duration of homemaker or companion services that are to be  
34 provided by such agency for the benefit of the person.

35 (8) "Comprehensive background check" means a background  
36 investigation performed by the agency, including, but not limited to,  
37 (A) reviewing an application for employment prepared by the agency  
38 and completed by the applicant; (B) interviewing the applicant in  
39 person; (C) verifying the applicant's Social Security number; (D) if the  
40 applicant applies for a position with the agency for which a license is  
41 required, verifying the applicant is lawfully licensed; (E) checking the  
42 registry established and maintained pursuant to section 54-257; (F)  
43 reviewing criminal conviction information obtained through a search  
44 of current criminal matters of public record in this state based on the  
45 applicant's name and date of birth; (G) if the applicant has resided in  
46 this state less than five years, reviewing criminal conviction  
47 information from the state or states in which the applicant previously  
48 resided within the five-year period preceding the date of application

49 for employment with the agency; and (H) reviewing any other  
50 information that the agency deems necessary in order to evaluate the  
51 suitability of the applicant for the position.

52 Sec. 2. Subsection (a) of section 20-672 of the general statutes is  
53 repealed and the following is substituted in lieu thereof (*Effective*  
54 *October 1, 2009*):

55 (a) Any person seeking a certificate of registration as a homemaker-  
56 companion agency shall apply to the Commissioner of Consumer  
57 Protection, in writing, on a form provided by the commissioner. The  
58 application shall include the applicant's name, residence address,  
59 business address, business telephone number and such other  
60 information as the commissioner may require. An applicant shall also  
61 be required to submit to state and national criminal history records  
62 checks in accordance with section 29-17a and to certify under oath to  
63 the commissioner that: (1) Such agency complies with the  
64 requirements of section 20-678, as amended by this act, concerning  
65 employee comprehensive background checks, (2) such agency  
66 provides all persons receiving homemaker or companion services with  
67 a written individualized contract or service plan that specifically  
68 identifies the anticipated scope, type, frequency and duration of  
69 homemaker or companion services provided by the agency to the  
70 person, (3) such agency maintains a surety bond, and (4) all records  
71 maintained by such agency shall be open, at all reasonable hours, for  
72 inspection, copying or audit by the commissioner.

73 Sec. 3. Subsection (a) of section 20-675 of the general statutes is  
74 repealed and the following is substituted in lieu thereof (*Effective*  
75 *October 1, 2009*):

76 (a) The Commissioner of Consumer Protection may revoke, suspend  
77 or refuse to issue or renew any certificate of registration as a  
78 homemaker-companion agency or place an agency on probation or  
79 issue a letter of reprimand for: (1) Conduct by the agency, or by an  
80 employee of the agency while in the course of employment, of a

81 character likely to mislead, deceive or defraud the public or the  
82 commissioner; [or] (2) engaging in any untruthful or misleading  
83 advertising; or (3) failing to perform a comprehensive background  
84 check of an applicant for employment as required by section 20-678, as  
85 amended by this act.

86 Sec. 4. Section 20-678 of the general statutes is repealed and the  
87 following is substituted in lieu thereof (*Effective October 1, 2009*):

88 Each homemaker-companion agency shall require that any  
89 employee of such agency hired on or after October 1, [2006,] 2009, who  
90 provides companion services or homemaker services submit to a  
91 comprehensive background check. In addition, each homemaker-  
92 companion agency shall require that any such employee of such  
93 agency hired on or after October 1, [2006] 2009, complete and sign a  
94 form which contains questions as to whether the current or prospective  
95 employee was convicted of a crime involving violence or dishonesty in  
96 a state court or federal court in any state; or was subject to any decision  
97 imposing disciplinary action by a licensing agency in any state, the  
98 District of Columbia, a United States possession or territory or a  
99 foreign jurisdiction. Any such employee of a homemaker-companion  
100 agency hired on or after October 1, [2006] 2009, who makes a false  
101 written statement regarding such prior criminal convictions or  
102 disciplinary action shall be guilty of a class A misdemeanor.

103 Sec. 5. (NEW) (*Effective October 1, 2009*) Each home health agency, as  
104 defined in section 19a-490 of the general statutes, shall require that any  
105 employee of such agency hired on or after October 1, 2009, who  
106 provides services described in subsections (d) and (e) of section 19a-  
107 490 of the general statutes, submit to a comprehensive background  
108 check. In addition, each home health agency shall require that any  
109 such employee of such agency hired on or after October 1, 2009,  
110 complete and sign a form which contains questions as to whether the  
111 current or prospective employee was subject to any decision imposing  
112 disciplinary action by a licensing agency in any state, the District of  
113 Columbia, a United States possession or territory or a foreign

114 jurisdiction. Any such employee of a home health agency hired on or  
115 after October 1, 2009, who makes a false written statement regarding  
116 such prior disciplinary action shall be guilty of a class A misdemeanor.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2009</i>	20-670
Sec. 2	<i>October 1, 2009</i>	20-672(a)
Sec. 3	<i>October 1, 2009</i>	20-675(a)
Sec. 4	<i>October 1, 2009</i>	20-678
Sec. 5	<i>October 1, 2009</i>	New section

***Statement of Legislative Commissioners:***

The effective dates of sections 1, 2, and 3 were changed to October 1, 2009, for consistency and clarity.

***AGE***      *Joint Favorable Subst. C/R*

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